IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1914 of 2005

Between:

Paluri Nageswara Rao, S/o. Venkata Swamy,
R/o. Chilakalapadu, H/o. Madiki, Alamuru Mandal, East Godavari

District.

.... PETITIONER

AND

1 The Station Hose Officer, Alamuru Police Station,
Alamuru, East Godavari District.
2 Telidevara Venkata Subbalakshmi, W/o. Venkateswara Rao,
C/o. A.R.V. Raja Rao, Lecturer, Regional Engineering College

Warangal.
3 VElicheti Ratnavathi, W/o. Seethapathi Rao,
R/o. Seethampet, Rajahmundry, East Godavari District.
4 Tantravahi Pushkara Lakshmi, W/o. Venkata Rao,
R/o. Pasalapudi Village, Ramachandrapuram Mandal, East Godavari

District.
5 Keeti Swarajya Lakshmi, W/o. K.B. Sankara Rao,
Lalcheruvu, Rajahmundry,
6 Addanki Bhaskara Lakshmi, W/o. Subba Rao,
Katari Nagar, Lalcheruvu, Rajahmundry,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly a Writ , Order or direction more particularly a Writ in the nature of Writ of Mandamus declaring the action of the 1st Respondent in threatening the Petitioner to vacate the Agricultural Land to an extent of Ac.2.86 cents in Sy.No. 166/1 and Ac.0.40 cents in Sy.No. 166/2 of Makidi Village, Alamuru Mandal, East Godavari District and interfering

in civil disputes on the influence and directions of Respondents 2 to 6 herein is illegal, arbitrary, without jurisdiction and against the well established principles of law and to pass such other or further orders in the interest of justice.

Counsel for the Petitioner:MR.E.SAMBASIVA PRATAP

Counsel for the Respondents No.1: GP FOR HOME

Counsel for Respondents NO.2 to 6 : ----

The Court at the stage of admission made the following ORDER:

The petitioner seeks a writ of *mandamus* declaring the action of the first respondent in threatening him to vacate the agricultural land, admeasuring about Ac.3.50 cents, in Survey Nos. 166/1 and 166/2 of Madiki village, Alamuru mandal, East Godavari district, as illegal and arbitrary. The petitioner alleges that the first respondent, at the instance of respondents 2 to 6, is requiring him to vacate the land.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Even from the material placed before this Court and the affidavit filed in support of the writ petition, it is evident that the petitioner filed A.T.C.No. 10 of 2004 before the Court of the Junior Civil Judge-cum-Special Officer under the A.P. (Andhra) Tenancy Act, Alamurum, under Section 16(1) of the A.P.(Andra Area)Tenancy Act, 1956. Respondents 2 to 6 are made parties to that case. I.A.No.708 of 2004, under Rule 19(2) of the Tenancy Rules, is filed for grant of temporary injunction. If that be so, the petitioner has to pursue the same remedy. Any declaration or observation made by this Court, particularly when A.T.C and I.A. are pending would have its own impact. The learned counsel for the petitioner submits that I.A. is not being disposed of, on account of the delayed tactics adopted by respondents 2 to 6. As of now, this Court is not posted with the fact as to the stage of I.A. or the reasons for its non-disposal.

Be that as it may, the writ petition is disposed of, leaving it open to the petitioner to pursue his remedies in A.T.C.No.10 of 2004 and the I.A. filed therein and that the learned Junior Civil Judge, Alamuru is directed to dispose of the I.A. within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

08.02.2005

Note:

A copy of this order shall be forwarded to

the court of Junior Civil Judge, Alamuru.

Issue CC in two days.

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To

1 The Station Hose Officer, Alamuru Police Station,
Alamuru, East Godavari District.
2 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

3 The Junior Civil Judge, Alamuru, E.G. District.

4 Two CD copies.